

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

CITY OF CHICAGO, ILLINOIS, a Municipal)
corporation,)

Petitioner,)

v.)

Case No. T 02-0111

THE BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY,)
Respondent.)

Petition for authorization to reconstruct)
the South Canal Street Viaduct over the)
tracks of the Burlington Northern Santa Fe)
Railway in the City of Chicago, County of)
Cook and State of Illinois, and for a waiver)
of the clearance requirements of 92 Ill.)
Admin. Code, Section 1500)

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Illinois Commerce Commission
RAIL SAFETY SECTION

**RESPONDENT, THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY'S ANSWER TO PETITION**

Now comes respondent, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and for its answer to the petition filed by the City of Chicago in the above captioned cause states as follows:

1. Respondent admits the allegations contained in paragraph 1 of the petition.
2. Respondent admits the allegations contained in paragraph 2 of the petition.
3. Defendant admits that the existing South Canal Street viaduct is an overhead structure spanning certain of the railroad tracks of respondent, BNSF along with the tracks of certain other rail carriers.
4. Respondent admits that petitioner desires to reconstruct the South Canal Street viaduct. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 4 of the petition.

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5. Respondent admits that no funds are sought by petitioner from respondent, BNSF or the Grade Crossing Protection Fund with respect to the at issue project. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the petition.
6. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the petition.
7. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the petition.
8. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the petition.
9. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the petition.
10. Respondent admits that the City is requesting that the Illinois Commerce Commission waive certain clearance requirements as provided in 92 Illinois Administrative Code §1500. Respondent does not have knowledge or information sufficient to form a belief as to whether any such clearance waivers are required or whether any such clearance requirements should be waived.

11. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the petition.
12. Respondent denies the allegation that respondent has no objection to the reconstruction plan. Respondent admits that the City will be obligated to maintain any new reconstructed structure. Respondent denies the remaining allegations contained in paragraph 12 of the petition.
13. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the petition.

Wherefore, respondent, The Burlington Northern and Santa Fe Railway Company prays that the Illinois Commerce Commission set the aforesaid matter for hearing to take evidence as to the matters raised by petitioner in the petition.

KENNETH J. WYSOGLAD & ASSOCIATES


Michael L. Sazdanoff

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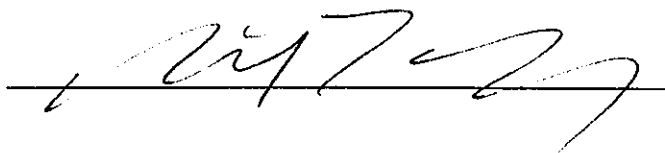
PROOF OF SERVICE

Michael L. Sazdanoff, an attorney, being duly sworn on oath, deposes and says that on the 15 day of NOVEMBER, 2002, he caused to be served, a true and correct copy of **RESPONDENT, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S ANSWER TO PETITION** upon:

Mr. Jack A. Pace
Assistant Corporation Counsel
Regulatory and Aviation Litigation
30 N. LaSalle Street, Suite 900
Chicago, Illinois 60602

Mr. Henry Humphries
Railroad Section
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

A handwritten signature in black ink, appearing to read "Michael L. Sazdanoff", is written over a horizontal line.